

INSTRUCTIONS TO PERSONAL REPRESENTATIVE - PROBATE

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

PURSUANT TO 25 CFR 11.704, after you have been appointed by the Court as Personal Representative of the Estate of a deceased person, you have the following duties and powers during the administration of the estate and until your appointment is discharged by the Court:

- **YOU MUST** send by certified mail true copies of the Order to Probate the Estate and the Will of the decedent admitted to probate by such order, if any, to: (1) each heir and/or devisee of the decedent at their last known address; (2) to the governing body of the Ute Mountain Ute Tribe, and, (3) to the BIA Superintendent
- **YOU MUST** certify to the Court that you have completed the above required mailing by filing with the Court an Affidavit that you have accomplished the mailings and attached the Return Receipt for the proof of mailing
- **YOU MUST** protect and preserve the decedent's property
- **YOU MUST** provide a Notice to Creditors either by publication in a newspaper or by posting of signs at the Tribal and BIA offices, giving appropriate notice for the filing of claims.
- **YOU MUST** examine all claims within 90 days of your appointment and notify the claimant whether his or her claim is accepted or rejected. If the claimant is notified of rejection, she/he may request a hearing before the Court by filing a Petition requesting such hearing within 30 days following the notice of rejection.
- **YOU MUST** promptly prepare a written inventory of all of decedent's property within the estate with each article or item being separately set forth and cause such property to be exhibited to and appraised by an appraiser, and then the inventory and appraisal thereof shall be filed with the Court.
- **YOU MUST** give promptly all persons entitled thereto such notice as is required by law.
- **YOU MUST** account for all property within the estate which may come into your possession or control, and must maintain accurate records of all income received and disbursements made during the course of the administration.
- **YOU MUST** fully administer the affairs of the Estate within nine (9) months of your appointment as Personal Representative.
- **YOU MUST** upon having fully administered the affairs of the Estate, prepare and file a verified final account which will have to be approved by the Court.
- **YOU MUST HAVE THIS DOCUMENT NOTARIZED BEFORE IT IS FILED WITH THE COURT, IF NOT, IT WILL BE MAILED BACK TO YOU TO BE NOTARIZED**

Pursuant to 25 CFR 11.705: The Court of Indian Offenses may order the discharge of any Personal Representative of an estate for failure, neglect or improper performance of his or her duties.

WHEN YOU ARE APPOINTED AS PERSONAL REPRESENTATIVE OF DECEDENT'S ESTATE YOU ARE UNDERTAKING A FIDUCIARY DUTY. THIS MEANS IF YOU CAUSE ANY HEIR OR DEVISEE TO BE HARMED FINANCIALLY, YOU COULD BE PERSONALLY LIABLE.

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

IN THE MATTER OF THE ESTATE OF _____
Deceased
DOB: _____

CASE NO.: _____

**PETITION FOR INFORMAL
APPOINTMENT OF PERSONAL
REPRESENTATIVE**

An Enrolled Member of the Ute Mountain Ute Tribe

I, _____ state that:
(your full name)

1. I had the following relationship with _____, the person who died (the Decedent), that qualifies me to act as Personal Representative of the estate:

I am the surviving spouse of the Decedent; or

I am one of the heirs of the Decedent's estate and my relationship is:

(any other person sharing an equal or higher priority to be appointed Personal Representative must concur in you appointment by signing at the bottom of this form); OR

I am an interested person, including a creditor of the Decedent. Because of this relationship, I have an interest in the estate, and I am willing to serve as Personal Representative of the Decedent's estate, and I am not disqualified to act as Personal Representative. I do not know of anyone else who is interested in serving as Personal Representative who has priority to serve.

(Check if applicable)

Anyone who has equal or higher priority to serve has consented below to my appointment by signing this form.

2. Decedent died _____ (date), at the age of _____. At death, Decedent was a member of the Ute Mountain Ute Tribe and his/her census number is _____.

At death, Decedent (choose one)

A. lived within the exterior boundaries of the Ute Mountain Ute Tribe; or

B. did not live within the exterior boundaries of the Ute Mountain Ute Tribe but owned property within the exterior boundaries of the Ute Mountain Ute Tribe.

3. I have carefully searched for all the names and addresses of the spouse, children, and other heirs of the Decedent. I have discovered the following information (including your own information)

NAME	ADDRESS	RELATIONSHIP	AGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Decedent was predeceased by (they died before Decedent) the following child(ren):

NAME OF CHILD(REN)

**DATE OF DEATH AND
AGE AT DEATH**

**DECEASED CHILD'S
CHILDREN (if any)**

- 5. I have looked carefully and thoroughly for a Last Will and Testament of the Decedent and did not find one. I believe that Decedent died without a Will.
- 6. A Personal Representative has not been appointment in this Court or anywhere else.
- 7. (Choose one)
 - () I do not know of any other probate action anywhere else;
 - () There is a probate pending concerning real property owned by the Decedent which is under the jurisdiction of the Secretary of the Interior. It is filed at _____.
 - () There I real property owned by the Decedent which is under the jurisdiction of the Secretary of the Interior but no probate has been filed as of this date.

WHEREFORE, I ask this Court to:

- 1. Appoint me as the Personal Representative of the Decedent's estate.
- 2. Allow me to serve without posting of bond, in an unsupervised administration.
- 3. Issues Letters of Administration to me.
- 4. Order such other relief as this Court believes to be appropriate.

I, _____, am the Petitioner. I state, upon oath, that all statements in the Petition are true and correct as far as I know and believe.

RESPECTFULLY SUBMITTED this _____ day of _____ 20 _____

Signature of Petitioner

Address

Telephone Number

Witnessed: _____
Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

(If anyone has an equal or higher priority than you for appointment as Personal Representative, have each sign below to show that person's consent to your serving as Personal Representative)

I consent to the appointment of the Personal Representative listed above.

1. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

2. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

3. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

4. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

5. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

6. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

7. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____

8. Name: _____
Relationship to Decedent: _____
Address: _____
Signature: _____
Dated: _____